

**California Biodiversity Council  
Joint Meeting with RCRC**

**September 20, 2000**

DoubleTree Hotel  
Rohnert Park, California

**MEETING NOTES**

**Members Present:**

Mary D. Nichols (Chair), Resources Agency  
Bill Ahern, California Coastal Conservancy  
Eileen Ansari, Southern California Association of Governments  
Art Baggett, State Water Resources Control Board  
Doug Balmain, San Joaquin Valley Regional Association of California Counties  
Tom Bamert, Regional Council of Rural Counties  
Jim Bybee, National Marine Fisheries Service (alternate)  
Julie Cobbs, California Conservation Corps (alternate)  
Michael Delbar, North Coastal Counties Supervisors Association  
Robert Floerke, California Department of Fish and Game (alternate)  
Bertha Gillam, USDA Forest Service (alternate)  
Alex Glazer, University of California  
Jerry Harmon, San Diego Association of Governments  
Bob Haussler, California Energy Commission  
Dale Hoffman-Floerke, California Department of Water Resources  
Nancy Huffman, Northern California Counties Association  
Colonel David Linnebur, US Marine Corps  
Mary Knapp, US Fish and Wildlife Service (alternate)  
Deborah Maxwell, USGS Western Ecology Research Center  
Deborah McKee, California Department of Transportation  
Robert Meacher, Regional Council of Rural Counties  
Frank Michny, US Bureau of Reclamation  
Gary Miller, California Department of Food and Agriculture (alternate)  
Larry Myers, Native American Heritage Commission  
H. Wes Pratt, California Conservation Corps  
Carl Rountree, Bureau of Land Management  
Jim Shevock, National Park Service  
Mike Shulters, US Geological Survey  
Paul Stein, Sacramento-Mother Lode Regional Association of California Counties  
Alexis Strauss, US Environmental Protection Agency  
Paul Thayer, State Lands Commission  
Andrea Tuttle, California Department of Forestry  
Tom Wehri, California Association of Resource Conservation Districts  
Al Wright, Bureau of Land Management  
Mary Wright, California Department of Parks and Recreation  
Patrick Wright, Resources Agency  
Bill Vance, CA Environmental Protection Agency  
Jeffrey Vonk, USDA Natural Resource Conservation Service  
Darryl W. Young, California Department of Conservation

Meeting welcome by Resources Agency Secretary Mary Nichols acting with RCRC President, Tom Bamert of Amador County, as co-chairs for the meeting.

### **Executive Committee Report**

Carl Rountree, Committee Chair, again welcomed the Council and audience members to this annual meeting of the CBC and the Regional Council of Rural Counties (RCRC). Mr. Rountree pointed out that the current version of the *California Biodiversity News* was inserted into the meeting folders and congratulated the Editorial Board on another outstanding edition. Carl took this opportunity to introduce the newsletter's new managing editor, Erin Klaesius. Erin accepted the position of the Council's full-time Communications Coordinator in June. She is also serves as the Council's webmaster and handles a large portion of the logistical planning for these quarterly meetings.

The next Council meeting will be on November 8 and 9 in Santa Barbara. A draft program was provided for review by Council members. This meeting will focus on California's coastal and ocean resources and the impact of urbanization on those precious resources. On the morning of November 8, there will be a forum on nonpoint source pollution. Carl requested that staff attend this event as well in order to address the technical issues. The nature of the meeting necessitates that the Council members, as directors of their agencies, request attendance by their local and regional staff. Next on the meeting schedule is a joint conference with the California Association of Resource Conservation Districts. This will take place in Chico on March 14 and 15, 2001. Additionally, the Council staff is working with the Great Valley Center to plan our fall conference in Stockton for November 14 & 15, 2001.

A special Executive Committee meeting will be held tomorrow morning (Thursday, September 21) in the Sonoma Room to take a look at the direction and current work plan for the Council. You do not have to be a member of the Executive Committee to attend; you must only have ideas for the future direction of the Council.

Also, Janine Stenback (DFG) has long been a big part of the Biodiversity Council. But this will be Janine's last meeting as she is moving to Oregon. Please help us say goodbye at a get-together tonight in the Bodega Room.

### **Council Announcements**

- Dale Hoffman-Floerke (DWR) made special note of an upcoming training course entitled, "Working at the Watershed Level." This will take place January 22-26, 2001 at CSU Fresno. More information is available on page 21 of the Fall/Winter 2000 *California Biodiversity News*. Scholarships for the \$300 registration fee are available.
- Gilberto Ruiz, (SCAG) announced "Missing Linkages," a free conference November 2<sup>nd</sup> at the San Diego Zoo to discuss habitat connectivity issues.
- Mary Wright (DPR) announced a 630-acre acquisition in Coal Canyon. Escrow on this property closes at the end of September. This is a multi-agency project that has received national attention as one of the two most important unprotected biological corridors in Southern California. Mary recognized and thanked CalTrans, California Transportation Commission, Wildlife Conservation Board, Wildlands Conservancy, Legacy Program, Orange County, US Fish and Wildlife Service, and St. Claire Company as the collaborators.

- Al Wright (BLM) announced that the Bureau of Land Management is preparing to welcome its new State Director, Mike Pool. Director Pool will report to the State Director's office on October 2 and his installation will be on October 12.
- Secretary Nichols announced that the Vegetation Mapping Memorandum of Understanding would be available throughout the day for signing by Council members. Current signatories on this MOU crafted by the Science Coordinating Committee include Department of Forestry, Dept. of Conservation, Bureau of Land Management, Department of Fish and Game, Bureau of Reclamation, USDA Forest Service, Resources Agency, and the Department of Parks and Recreation.

### **Topic I: Off-Highway Vehicle Management**

Secretary Nichols introduced moderator Wes Lujan, RCRC (sitting in for Dave Widell, California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division). Mr. Lujan introduced individual panelists for their presentations, as follows:

Bob Ham, Imperial County Supervisor and long-time OHV lobbyist, gave an eloquent introduction to the history of off-highway vehicle (OHV) activity in California. In the 1960's and 1970's OHV started with WWII Jeeps, Honda Motor cycles and dune buggies. There was no government regulation and riders often wreaked havoc by cutting fences and trespassing. However, the environmental revolution of the 1970s raised awareness that the desert is not a wasteland. There were lots of environmental resources and the question of regulation came to the forefront. A political battle ensued; there was a push to control and register OHVs. The final decision was to register vehicles every two years. However, these registration fees went to the county in which the vehicle is registered. This meant lots of dollars for Los Angeles and Orange counties even though the use occurred in the less populated desert areas.

Paul Spittler, President of the California Wilderness Coalition, first thanked the Council for bringing this panel together. Some proponents of OHV-recreation often accuse, threaten, and call him names, but Mr. Spittler welcomed this chance to reconcile those differences. The California Wilderness Coalition began in 1976 and Paul described the work the Coalition has done to save wilderness areas in California. This is not to say that OHV activity should be prohibited, only that it should be regulated; it is a question of balancing recreation and the environment. Although the Coalition sued the State Parks Off-Highway Motor Vehicle Recreation (OHMVR) Division in 1999, Mr. Spittler noted that the new director [Dave Widell] is doing much better. In order to achieve this desired balance, Paul asked that all trails be labeled open, limited, or closed. He also requested monitoring and that OHVs be prohibited in wilderness areas. In addition to monitoring, the state should repair existing and prevent further damage. Paul did mention that in the last year, with the new OHMVR director, the situation has gotten better. Laws are now enforced along with habitat monitoring. Sheriffs are being brought into the fold whereas before, sheriffs felt left out without adequate funding to take care of all the problems. Now, their inclusion in the equation is helping a lot. The new regulations are being made and actually enforced.

Ron Rodrigues, San Benito County Supervisor, told the story of the Hollister Hills State Recreation Area. In 1975 Harris Ranch sold 2480 acres at a low rate to the State as a recreation area for motorcycles. The fencing was restored and riders now had a place to go. Although, this land provides a fantastic resource for OHVs several issues arose including: water quality, air quality, geology/soils, transportation, and noise pollution. Also, the dust produced by OHVs affects the area vineyards.

Dana Bell, project coordinator for the National Off-Highway Vehicle Conservation Council, described the early days of OHV riding in California. She grew up riding bikes throughout the state and has watched as laws began to restrict her access to California's backcountry. There are many types of people that want to many different types of things. You run the gamut from off-highway motorcycles and dual sport motorcycles to all-terrain vehicles and four-wheel drive Jeeps. They may want speed on the track, or long distance linear exploration. It is impossible to serve all of these people with all of these interests unless you offer a wide variety of opportunities. This conflict will continue to arise solely because of the sheer numbers of people that want to recreate. For example, every Thanksgiving weekend 100,000 people go out to OHV parks and trails. Dana often repeated that the only way to solve these use conflicts is with inclusion and collaboration. You need to get every affected party at the table in order to make progress towards an amenable solution. You need to entice the public to specific areas with good facilities and interpretation. Lead OHVs to state regulated parks with these quality services. When it comes to animals and sensitivity, make the riders aware and send them in the right direction. It is important to bring solution, not just problems. Make sure to answer the tough questions: what areas are affected and how, how do we address these issues. Also, it is important to note that roads and trails built for transport are not necessarily good for recreation. These trails need to be properly designed and maintained.

Wes Lujan opened the panel to the Council and audience members for questions.

Al Wright (BLM) discussed the evolution of management. Throughout the years new issues arose from less open space, threatened and endangered species to growing human populations. Partnerships between the state and the user are an excellent way to help manage the desert in a responsible way. Al, however, was concerned with the potential effects of population increase and the lack of a strategy to distribute use in ways that are compatible with the capacity of the land.

- Panelist Paul Spittler answered by saying that involving the federal land managers in the strategic planning will be helpful. It is important to find the most appropriate areas to encourage use. Also, the OHMVR Division is conducting stakeholder forums bringing together 60 different groups and come to solutions civilly.
- Bertha Gillam (USFS) noted that we may be "loving the National Forests to death." They are currently looking at the different types of demand. The solution is to determine the capacity of the land and realize that we can not accommodate all of the use that people want, especially in the future.
- Dana Bell responded that the OHV public has gotten poor service in the past. The quality of the recreation was not considered. On the ground efforts do not emphasize quality or public outreach. There is no adequate staff, no outreach to schools, no way to work with the communities, and no interpretation. Dana noted, "We need to entice the public to do what we want them to do."

Gilberto Ruiz (SCAG) queried: How do agencies address species take issues with respect to OHVs?

- Al Wright answered that monitoring is the only way to know what's going on out there and once you know then you can address the issue. Contrary to popular belief, there is interpretive information out on the trails, although it does need to be applied everywhere.
- Bertha Gillam (USFS) mentioned that public members often go out on the Forest Service monitoring projects. Volunteers are invaluable especially with the declining dollars and staffers to agencies. Bertha noted that the Forest Service isn't doing

everything it would like to on the ground. Also developed biological conservation plans. And the Forest Service continues its work with the public through local ranger units.

Bob Hicker, Mariposa County Supervisor, noted that Dana Bell's comments were very true and that there is a significant need for interpretive trails. We need better collaboration to encourage better use of trails. He asked if there was a budget problem; could green sticker money solve this? In any case, there is a need for better agency collaboration to encourage better use of the trails. Bob also asked about the specifics of the monitoring being done on Forest Service lands and have they been available to the public in the past.

- Bertha Gillam (USFS) would hope that each of her regional managers is sharing the monitoring information with the public. Many of the public members do go out with them when they monitor, especially with watersheds.

Frank Bigelow, Madera County Supervisor, noted the Department of Parks and Recreation didn't communicate with the community when planning a new OHV park. The proposed park was in the center of an active residential community and no one was told until the deal was almost done. How do we establish this communications link between local governments and the proponents of these types of projects?

- Secretary Nichols noted that Dave Widell's strategy would hopefully fix this gap, but that it is a very long process.

Mary Wright, DPR, asked about the consequences of noise pollution caused by OHVs: "Silence, a diminishing resource."

- Bob Ham informed Ms. Wright that there is a serious effort with industry and users to resolve that very problem. It has gotten better since the inception of the legislation controlling OHV use.
- Dana Bell told the audience about the Right Rider program targeting the 15-30 year-old age group that "likes to make noise." This program is attempting to make them think in *quieter* terms.
- Ron Rodrigues said that creating and adjusting the buffer zones with the landowners could fix the problem. Also, it is possible to reconfigure the trails and make a world of difference lessen noise.

Secretary Nichols closed the panel by thanking the panelists and the audience members for their participation.

## **Topic II: Watershed Management**

Secretary Nichols introduced the panel moderator Diane Holcomb, NRCS Watershed Planning Services Director. In March of 1999, the Council created the Watershed Work Group (WWG). Ms. Holcomb noted that the Biodiversity Council charged the WWG with a mission to facilitate watershed restoration and coordinate the funding and support of local projects. The WWG has held a series of six meetings and determined that the initial focus of the group should be funding. In this state, the level of funding has increased dramatically and there are over 40 funding sources and programs. This created a confusing web of information that is difficult to comprehend. In the year since its inception, the WWG established several guiding principles related to funding. Broadly, these *best funding practices* are:

- Streamline the Application and Project Selection Process

- Administer Funds More Efficiently
- Improve Reporting and Accountability
- Provide Technical Assistance and Outreach
- Address Regional and Economic Differences
- Ensure Funding Decisions are Based on Sound Science
- Leverage Multiple Funding Sources
- Educate Policy Makers
- Fill Funding Gaps

Maria Rea, Watershed Specialist for the Resources Agency, explained all nine of the best funding practices and introduced the panelists

Jonathan Berkey first thanked Maria Rea, Nina Gordon, and Diane Holcomb for being integral part of the process and bringing it to the attention of the Council. Mr. Berkey noted that recently people at a local level have begun to get involved in resource issues. A survey showed that over 300 watershed groups exist in California, they are very action oriented, but lack funding and lack the expertise needed for paperwork. Jonathan emphasized the importance of keeping every aspect of the funding process *simple*. It is imperative to leave out the acronyms and jargon that agencies see and use every day. These watershed groups also need technical assistance, not only engineering/technical assistance but also help in determining the full scope of the project. The grant writing process is extremely difficult and confusing for the layman. Jonathan suggested a 'pre-proposal' process to see if a project is even eligible for that particular grant. Jonathan is a watershed coordinator for the Elkhorn Slough. His group received a 319 grant and did not receive the money until 18 months later. This lag in timing cannot only drive a group to bankruptcy, but is also detrimental to seasonal projects.

Nettie Drake, Panoche/Silver Creek CRMP Coordinator, discussed similar issues occurring in eastern Fresno County. The relevant issues in this situation are erosion, water quality, and sediment transport. Ms. Drake noted that when she started as Coordinator the group involved 60 agency personnel, 2 landowners, and had no projects underway. Now, five years later, there are over 200 landowners involved and eleven projects moving on the ground. There are spectacular relationships between the public agencies (state, federal, and local) and the implementation of the CRMP's projects. Streamlining, organizing, focusing the funding is the key to helping smaller watershed programs. If the goal is identified, you have to have folks on the ground doing the work. These volunteers live in the region, care about the land, and will do their best to finish the job. By making the funding process easier, you can engage these people and get projects done.

Dennis Bowker, Sacramento River Watershed Program coordinator, spoke about his experiences in the Sacramento Valley. Mr. Bowker's first point was that we need to make the transition from the historical project-oriented focus to providing local coordination which includes training, technical assistance, and even software programs to help track funding. The fragmentation of the funding process is deleterious to watershed programs. It is very important to support the principles discussed today. The difference between principles and finite rules is extremely important in this situation. With a principle, you can translate the ideas to a local level. If you are bound with specific rules from the state and federal levels, they become less appropriate at smaller scales. It is very important that you not only permit, but also support the capacity of the local level to develop some long term plans. Watershed management includes projects, restoration, and sometimes just keeping a tiny watershed in good shape. Mr. Bowker supports and encourages the use of regional implementation with regional knowledge

accumulated. Regional NGOs can serve as the translators between the highest levels of an agency and the volunteers doing on-the-ground work.

Martha Davis, co-chair of the CALFED watershed workgroup, shared her thoughts and ideas about the WWG funding principles. Martha noted that these “Best Funding Principles” shaped the foundation of the watershed program recently approved by the CALFED Record of Decision. That group is currently testing several of these programs, specifically, the pre-proposal program. The RFP should be out by the end of the year 2000. CALFED is working with 70 people from various watershed groups to figure out how to put together the request for the concept, in conjunction with a team of agency representatives to evaluate the concept. The benefits of this type of approach are vitally important in terms of providing good customer service back to the public. This will help to identify proposals that are “diamonds in the rough,” helping to provide good service in working with the local communities, and finding ways to take good proposals and make sure they are matched with appropriate funding sources. The watershed program is the most powerful way to take the good work done by agencies and bring it home at a local level.

The WWG conducted stakeholder meetings over the last year in order to flush out these problem areas and find solutions. These meetings were well attended not only by agency staff but local, private stakeholders as well. There are over seventy participants in the Work Group.

Maria Rea noted that the document titled, *Best Funding Practices for Watershed Management*, has been finalized. The WWG is currently working on joint promotions and field assistance to develop proposals. The Group would like to propose that the Council endorse these issues and recommendations and further refine where necessary. The WWG is also requesting assistance of specific department staff to follow-up when and where necessary.

Mary Nichols reinforced that she understands the serious implications of these endorsements for participating departments. Agency staff has worked long and hard to craft these proposals and they now need you to take them home and give them further attention and the necessary refinements and incorporate them into your agency. Only a year has passed since the Council established the WWG and Secretary Nichols believes that this is an amazing accomplishment.

Secretary Nichols turned the discussion over to Art Baggett, Board Chairman of the State Water Resources Control Board.

- Mr. Baggett noted that he is certainly committed to working with the Resources Agency and by streamlining the process and coordinating our programs, we can accomplish these well-thought-out goals. Mr. Baggett further committed the nine regional boards and their respective watershed coordinators to work with the WWG with the goal of tangible results in the end.
- Amy Edelen, California Conservation Corps, noted that the Corps also applies for grants. Ms. Edelen wanted to encourage folks to look at the California Coastal Commission “Whale Tail” grant plan. They implemented a great template for the pre-proposal process.
- Bob Meacher, CALFED watershed workgroup co-chair, noted that on several occasions he was asked, “If CALFED is already doing this type of program, why are we starting a whole other process with the WWG?” His response is that they are not redundancies, but parallel tracks that are complimentary to each other. The CALFED program is for a specific geographical area while the WWG encompasses the whole state. It is fantastic that these concepts have merged. Supervisor Meacher encouraged the agencies to endorse this process.

- Jeff Vonk, State Conservationist for USDA NRCS, wanted to second the work that the WWG has done. Mr. Vonk also wished to compliment the WWG on their one-page summarization of the 45-page “Best Funding Practices” document. Mr. Vonk personally endorsed the principles and noted that all federal and state agencies need to wholeheartedly endorse these ideas in order for the program to be effective.

Secretary Nichols asked the Council for an unofficial endorsement of the principles by a wave of hands. The Secretary reiterated that this endorsement does mean the dedication of staff and resources to implement these principles. Lots of enthusiastic hand waves ensued.

### **Topic III: Improving Participation by Rural Counties in Public Landuse Planning**

Secretary Nichols opened this session by introducing the panelists: Robert Meacher, Plumas County Supervisor; Linda Arcularius, Inyo County Supervisor; Nancy Huffman, Modoc County Supervisor; and Elizabeth Martin, Nevada County Supervisor. The Secretary commented that this would be a positive, constructive dialogue about how we can all do better in this respect. Secretary Nichols asked each of the panel members to briefly describe their experiences in this realm.

Bob Meacher, CBC member and Supervisor from Plumas County, first offered some information on his experiences with public landuse planning. Supervisor Meacher has worked on a variety of processes – from the micro-level with the Feather River CRMP to regional approaches like the Herger-Feinstein Forest Recovery Act (after the Quincy Library Group) to even larger programs like CALFED. More and more, our public lands are becoming political lands and this is especially true in California. As much as the local agency staff may agree with local elected officials and landowners, the agency is still driven by a larger political arena. Supervisor Meacher would like to open a dialogue to discover how RCRC can work with state and federal agencies to approach this issue.

Linda Arcularius, Supervisor from Inyo County, gave context to the situation and the challenges that local government staff often face. In California, there are over 46 million acres managed by federal agencies, over 11 million acres managed by state agencies, and 755,000 acres protected by local governments and land trusts. Inyo County is extremely diverse. It is the second largest county in California, but with only 18,000 residents. It contains the highest point in the United States, Mount Whitney, and the lowest point in the Western hemisphere, Bad Water in Death Valley. These are the challenges that we face as local government. 91.6% percent of Inyo County is owned by the USDA Forest Service, BLM, National Park Service, and the China Lakes Naval Weapons Base. The City of Los Angeles owns 2.7% of the prime land in the county: the watersheds, riparian areas, and the source of a vast amount of water. Less than 2% of Inyo County is private land. The challenge here is not only to increase public participation, but also validate that participation and give it credibility by the actions taken. Although the county’s planning department is responsible for 15-20 management plans, however, there are only 4 planners working for Inyo County. We hope to reach out to the 28 rural counties and find ways to develop meaningful dialogue.

Nancy Huffman, Modoc County Supervisor, briefly described her district and county. Modoc is in the northeast corner of the state bordering both Oregon and Nevada. Seventy percent of the land area is owned by federal and state agencies. There is only one incorporated town with 3,500 people, over one-third of the county’s entire population. There is only one industry, agriculture and one key issue, grazing. However, there are many good, active partnerships. Modoc County has worked with the USDA Forest Service and put together full alternatives for



the Sierra Nevada Framework report. Modoc County also has a landuse committee that has been working since the mid 1990s. That is the key issue and also the key difference for Modoc County. The Cattleman Stewardship Committee has been working with the BLM for the past 25 years. It has been an active and fruitful endeavor while solving many of the grazing issues plaguing Modoc County. Supervisor Huffman asked, "How does a small county address all of these issues?" You have to get a group of people in your county that are willing to take the time to work with the agencies and then make sure that the agencies realize that you're there and see to it that the counties have input. It is also important that the agencies let the county know what the end products are. This relationship is critical – the decisions made by state and federal agencies, affect the county and each county should have input into the process. Supervisor Huffman emphatically stated, "We don't want to own or support public land, we want input into the management in order to help them and us."

Elizabeth Martin, Nevada County Supervisor, noted that Nevada County has almost 0.1% of the voting electorate in California. Rural communities feel that they have a very good understanding of how to regulate their resources. The resources in the county are not matched by political power and this makes small counties extremely nervous. Thus, you end up with the fundamental issue of trust. There are many difficult problems that have been left over the years. Supervisor Martin stated, "We as a county want to engage with the California Biodiversity Council, but we don't have the experts. We need an opportunity to engage in a way that's meaningful. This may mean providing us with an expert that we control. The message that is coming from rural California, and especially from the Sierra Nevada, is we love our place as much as anybody, we understand water, we understand land, and we are going to fight all the way to the end to protect it. We all agree that it is stewardship, watershed management, and landuse are issues that we simply have to find a way to work together." Local government in rural areas is much more responsive than anywhere else.

Secretary Nichols next introduced Robert Weygandt, Placer County Supervisor. Several years ago, the general election created a Board of Supervisors, which could talk creatively and openly about preserving open space in the face of huge urbanization pressures. This effort started out as a workshop to undertake the open space implementation plan established by the 1994 General Plan. The objectives in preserving open space include agriculture, outdoor recreation, diversity of plants and animal species, separating urban areas, flood control issues, fire danger, snow avalanche, and scenic and tourist areas. Currently, Placer County has 225,000 residents and the Department of Finance has predicted over 500,000 people by 2040. The scope of the Placer Legacy project is to address open space conservation opportunities on both private and public lands. The group knew from the beginning that collaboration was essential in order to be successful. The Legacy founders hoped to end up with a Habitat Conservation Plan of some type. Placer Legacy, as a policy effort, was just finished by the Board of Supervisors during the summer of 2000. Over the years, every policy vote was unanimous. Supervisor Weygandt noted that the Placer Legacy correctly based the project on existing policy, embraced the existing General Plans of all of Placer's cities, created very clear objectives, and engaged all the stakeholders. On the other hand, the Supervisor stated the Placer Legacy could have engaged local and state agencies better. It was difficult to deal with the cities in regards to the HCP. Also, the Legacy needs to identify the political and social needs of the region and secure sufficient funding. The next steps for the Placer Legacy program include identifying potential conflicts, identify opportunities for joint funding, provide for open lines of communication, obtain counsel and advice on land management decisions, and provide regional models for coordination and cooperation.

Secretary Nichols first asked the Council members to reflect on the issues that the panel presented particularly in terms of the need for an approach to increase participation in the land use planning process. The Secretary then opened up the session for discussion between the panel, Council members, and the audience.

Alexis Strauss, US EPA, noted that the new drinking water regulations are extremely technical and difficult. "How can we, as a federal institution, better convey this in easy terms? What are some ideas to more effectively communicate?"

- Nancy Huffman answered by saying that there should be some coordination of the rules that are made to the landscape that is affected. You often need different rules for different areas, as you cannot apply the same rules to Alturas (Modoc County seat, 3500 people) and San Francisco.
- Bob Meacher noted that short of rural counties being able to raise the funds within their own county, it is a matter of capacity building. The more rural you get, the more difficult it gets to raise funds and interact with the big agencies. Supervisor Martin felt that, "If I could allocate a staff person to work with the agencies on a regular basis, I think we wouldn't hit the walls so often."
- Secretary Nichols stated that terminology is often a problem and that we need to learn how to regulate by focusing on results, rather than the process. It is often that the process cannot be the same across the state.
- Elizabeth Martin noted that constituents are often very suspicious of government. No one has the money or desire systems, the only thing that the county has is the rule that is impossible to comply with based on the situation. It comes down to money and we need to be able to explain the new rules to folks and not everyone checks the website. It takes more time and money to explain difficult regulations to rural folks.
- Robert Weygandt answered that agencies, local government and private stakeholders alike need to keep the standards and also have a creative, open mind at the same time.
- Additionally, Bill Vance (Cal EPA) mentioned that the EPA does have regional board members that are available to local government at all times to foster these types of relationships.
- Al Wright (BLM) said agencies must be flexible and to put staff in communities in order to foster trust and create credibility.

Joan Smith, Siskiyou County Supervisor, first commended the members of the panel for communicating the hardships that local counties face. Siskiyou County formed a land committee, however, that was not the solution. The county then hired a natural resource specialist to be the point person for the agencies; this helped quite a bit. Additionally, Siskiyou has signed on with the Bureau of Reclamation in a collaborative on-the-ground effort. This type of situation may be the solution. However, it is difficult to exchange specific information about the area or come to an agreement when you're not face-to-face. Unless the county is part of the solution, they will be part of the problem.

- Lassen County Supervisor, Brian Dahle, reiterated some of the points made by Supervisor Martin. Mr. Dahle noted that the building block between the rural counties and the public landholders is education. Rural areas simply need good management and to let the stakeholders know that neither timber cuts nor grazing are bad; they are only tools that need to be used. We need to educate the people of how to use these tools properly.
- Linda Arcularius added to Supervisor Dahle's comments. Education is a huge part of the solution. However, local expertise and talent is available in rural counties, although it is not always recognized. You need to start the process with the people. By first asking

“Who is impacted?” and “Where will it occur?” this will automatically bring you to the local level.

- Mark Nielson, El Dorado County Supervisor, offered another example of this type of situation. Air quality standards in California require the rural California must meet certain criteria when they're in non-attainment. Rural California receives the sea-breeze air from the bay area that flows down into the San Joaquin Valley creating non-attainment. The regulations disregard transport.

Secretary Nichols posed another question. She asked, “What can we, as agency & local elected officials, do in the next year to help build the capacity to do our jobs better? Specifically, what kind of incentives or support can we provide?”

- Bob Meacher replied that agencies should act as advocates towards the legislature. Also, the Board of Equalization has continually devalued some of the infrastructure in the counties, like railroad and electrical facilities. Just hiring a resource specialist to work in the county public works department is becoming political difficult.
- Mariposa Supervisor, Bob Baker, described a situation occurring in his county. They met with the National Park Service concerning the Merced River and Yosemite in the Merced River Wild and Scenic Act. The final Record of Decision actually identified specific concerns that the community raised. Supervisor Baker maintained that you need face-to-face contact and agency flexibility.

Leslie Mansfield, Water Consultant for San Leon Water Parks and Wildlife, raised the following question: “Considering the conflict between rural counties and water bills trying to accomplish local and system-wide benefits, what do you mean by local control?”

- Elizabeth Martin commented on local control and why the Sierra Nevada wants it. First, it is the law. Origins of water and watersheds have a great deal of authority over how water is used. The district office of a federal organization does not count as a county or local organization. There have been direct efforts to take land use control away from Nevada County. The way that policy is done in the state capitol is not a very healthy, accessible, or logical process and that way of policy-making should be stopped. There needs to be real invitation for the local folks to come and sit down at the table and that's why RCRC is here. Supervisor Martin added, “I know that counties have the reputation of hoping that science will just go away. However, we need to acknowledge that its real and if the state has the data, we need to pay attention to it and trust it. We need people to help explain the data to us. That's why I love the idea of circuit riders. I think agencies need to have budgets where they allot a significant amount of money to explain and open these lines of communication. We, as local, state and federal officials, have to get used to a more complex communication environment.”
- Nancy Huffman reiterated that you need to talk to the local counterparts to reach that solution, perhaps not in the prescribed way, but in a way that will get the job done.
- Dick Pland, Supervisor with Tuolumne County, told the group that only 10% of his budget is discretionary. The idea of a resource specialist in each county is fantastic, but there are not funds to handle this. We need to correct the fiscal relationship between the State of California and the local counties. In order to accomplish the things that we have been talking about today, it comes back to dollars and cents and survival of whether we can get a resource specialist so that we can work with the agencies and get early input and ultimately better legislation.
- Linda Arcularius felt that it is important to continuation of these types of panels. There needs to be a venue where we can ask these tough questions like ‘what can we do

better,' 'what kind of incentives can we offer,' 'where is the funding going,' and 'how can we partner with agencies.'

- Robert Weygandt added that we need a predictable state source of monies to help rural counties.
- Trinity County planner, Tom Stokely, noted that they have been able to develop a natural resource plan in partnership with the federal and state government. One interesting twist is that the federal government has a restoration plan for bulldozing a part of the Trinity River, an extremely controversial issue. However, that requires a permit from the Trinity County Floodplain management department. This enabled the county to become the lead agency on the EIR, giving them a tremendous opportunity to work together. You end up with a much better document because of that local involvement. Mr. Stokely encouraged other counties to look at any avenue that can give the county this type of control.
- Nancy Huffman noted that you need continual funding, not just one grant.
- Bertha Gilliam, USDA Forest Service, mentioned that the Forest Service has struggled with how to involve the people in all of their thousands of projects. We really value the input. She suggested that we continue to look at solutions to try and collaborate better together. Ms. Gilliam is willing to provide staff to create a toolbox of solutions to work with the local communities.

Secretary Nichols concluded the session with several comments. First, the Secretary noted that we, as environmental agencies, have more in common with rural California than the rest of state government. These areas hold a disproportionate amount of land and water. Thus, we do have something important in common. We have just received the first portion of the funding for CCRISP, which is meant to help improve the management of public lands and be a toolbox to protect private lands. Perhaps in the context of the CBC, we could take the suggestion of Supervisor Arcularius, a working group to focus on the financial side, and take that on as a project for the next year. This could create some specific recommendations that can bring, as a group, to the legislature.

#### **Topic IV: Methyl Mercury in Rural Northern California**

Secretary Nichols introduced the session topic and its moderator, Elizabeth Martin, Supervisor for Nevada County. In turn, Supervisor Martin introduced the members of the panel: Charlie Alpers, Research Chemist for USGS; Darryl Young, Director for the Department of Conservation; Tim Snellings, Director of the Nevada County Environmental Health Agency; and Art Baggett, Chairman of the State Water Resources Control Board.

Charlie Alpers began by describing the mercury contamination resulting from historic gold mining operations. USGS has a partnership in the Bear River, Deer Creek and South Yuba River Watersheds to address mercury contamination. Agencies joining USGS in this effort include the USDA Forest Service, BLM, EPA, SWRCB and the Nevada County RCD. This has left a toxic legacy for us to deal with. The most dangerous human exposure to mercury contamination is through the consumption of fish. Mercury bio accumulates up the food chain. Methyl mercury,  $\text{CH}^3\text{Hg}^+$ , is the form that mercury takes when in fish tissues. People used to try and remove the mercury content by cooking the fish on the stove. However, the inhalation mercury caused many deaths. High-level sources of methyl mercury include overbank deposits, reservoir sediments, flood plain deposits, dredge tailings, and estuary sediments. Over 75% of the nation wide methyl mercury advisories are for fish. There was an estimated eight million pounds of mercury lost to the environment during historic mining efforts. There is a proven

correlation showing that the more mining that took place, the more mercury that accumulates in the biota. Using this information, the partnership designed a project for the Bear River and South Fork Yuba River Watershed. The scope of this project includes monitoring totals, monitoring the loads (kilograms per time), finding contamination hot spots, analyzing sport fish, and finding ten good sites for pilot remediation projects. Since this study began in April 1999, there have been several significant findings. First, there are two points during the year with elevated mercury concentrations. Second, the highest concentrations exist in the upper parts of the food chain, mainly in predatory fish. 161 fish were collected from five sites; the majority of them were above the OEHHA screening value (0.3 parts per million, the minimum risk level). Roughly 25% of the sample fish were above the FDA action level (1 part per million), the point at which it is a verifiable health hazard. Overall, the methylation process is extremely complex and we don't know enough to design a solution yet. The question remains: will cleaning up the mining sources help this situation?

Tim Snellings is the President of the California Conference of Directors of Environmental Health and Director of the Nevada County Community Development Agency. The Department of Environmental Health respond to emergency mercury incidents on a fairly regular basis. Mr. Snellings deals not only within his own department but also with the Building Department and the Planning Department. Additionally, there is an incredible amount of information spread around various local, state, and Federal agencies regarding the topic of mercury. The goal of the Environmental Health Department is to better coordinate all of the efforts in the area. To that end, his department is responsible for the Mercury Assessment Project (MAP). The fundamental goal is to assess and identify the mercury hazards in Nevada County. Additionally goals include the creation and distribution of educational materials to county residents and the coordination of the removal process. The hopeful outcome is to make Nevada County a pilot case and then share the information and the template with other Gold Country counties.

Darryl Young, Department of Conservation Director, shared his experiences with mercury contamination in the Sierra Nevada. Director Young stated, "We know that it's a problem, but we do not know how to begin effectively. How can we inform the public about the situation and let them help us?" The Department of Conservation tracks abandoned mine sites. They are still finding an alarming number of previously unknown sites in rural areas. Another task of the Department is to figure out how to clean up these sites. There is new legislation on the Governor's desk that would give the appropriate statutory authority to start cleaning up these potentially dangerous abandoned mines. The Director would like to use Nevada County as an example. This could help answer the question of how he can get a rational message to the public. We need to make sure that we find a balance between people fleeing the Sierra Nevada because they fear for their lives and people completing disregarding the information that the government is finding. "Through comfort and understanding come solutions."

Art Baggett is the Chairman of the State Water Resources Conservation Board. Chairman Baggett first got involved with mercury when someone approached him with the issue and asked him to coordinate with the Department of Conservation. The biggest reason for the State Board's involvement is impaired water bodies and TMDL levels. Now, it is time to get tangible results. We can promulgate regulations and talk a lot, but at some point you have to try and fix things and work with everyone else. "You can talk all night, but sometimes you gotta play ball." Interestingly enough, if you have 10 pounds of Mercury, without a hazardous waste permit, you are considered a felon. If you try to be a good citizen and bring your mercury into the government, you get fined! This issue was brought to the attention of the Ed Lowry, Director of the Toxics Waste Department, who appropriately waived that condition in this situation. The State Board put a pilot together and went to Nevada County for one weekend mercury

collection, where they collected 243 pounds of mercury equaling 40 years of discharge and a very big problem. Chairman Baggett outlined a few bullets of "where do we go from here?" First, we need rural counties to help find ways to expand the program and coordinate with all the relevant organizations. Second, Congress could provide us with major assistance. There is an amendment to the Clean Water Act called the Good Samaritan Act that's been kicking around for years. This would allow people to help reclaim and repair abandoned mines without taking the full liability of the mine. Third, the Board will start working on an offset program to look at watersheds as a whole system. If we can continue to work on this model program and the three elements outlined above, we can accomplish our goals in the Sierra Nevada.

Supervisor Martin summarized the discussed and thanked the RCRC for helping to coordinate the efforts related to this issue. No one has hit the panic button yet and we are all working very responsibly with each other. The Supervisor then opened the session to discussion.

Sierra County Supervisor, Arnie Gutman, asked if the sludge has been analyzed and if we are just scrambling an egg and creating a larger health hazard.

- Charlie Alpers answered that there is no data on this yet, but that we will hopefully have it this winter.
- To further answer the question, Tim Snellings noted that this is why we are doing the assessment. It will tell us if removal is a viable process or how much of a hazard it is really. Perhaps it is just that we need to improve education and advisories.
- Darryl Young commented that no one is suggesting that we remove all of the mercury. We will only take what is most cost effective with the best results.

Supervisor Martin thanked everyone involved for his or her participation. She noted the amazing fact that no one has jumped to conclusions yet and that everyone is still trying to assess the situation and find the best solution. We're still in a process of information sharing and working together.

Secretary Nichols commented that normally, USGS would release the report and everyone else would panic. But instead, the issue was brought to the Biodiversity Council to formulate a plan to care of this problem. It is still a work in progress, but we have started off on such a better track.

The Secretary closed by reminding CBC of the Executive Committee Meeting taking place tomorrow morning, Thursday, September 21. "Thank you all for attending and participating here today and I look forward to seeing you in Santa Barbara for the next CBC meeting on November 8 & 9, 2000."